

## MINUTES

Civilian Review Board  
Bascom Room – Eugene Public Library – 100 West Tenth Avenue  
Eugene, Oregon

July 14, 2015  
5:30 p.m.

**PRESENT:** Bernadette Conover, Chair; Maurice Denner, Lindsey Foltz, Steven McIntire, Heather Marek, Chris Wig, Civilian Review Board members; Leia Pitcher, Vicki Cox, Mark Gissiner, Police Auditor's Office; Assistant Chief Karl Durr, Sergeant Dale Dawson, Lieutenant Nathan Reynolds, Jeremy Cleversey, Eugene Police Department.

**ABSENT:** Eric Von Houten.

Chair Conover convened the CRB at 5:30 p.m.

### **I. AGENDA AND MATERIALS REVIEW**

Ms. Conover deemed the agenda approved.

### **II. MINUTES APPROVAL – June 9, 2015**

The minutes as presented were approved by acclamation.

### **III. PUBLIC COMMENT**

No members of the public requested to speak.

### **IV. COMMENTS FROM BOARD MEMBERS, HUMAN RIGHTS COMMISSION LIAISON AND POLICE COMMISSION LIAISON**

Noting changes in the board's composition, Ms. Conover welcomed Ms. Marek and Ms. Foltz as new appointees and expressed appreciation for the service of Deb Velure and George Rode. She said she would send Ms. Velure and Mr. Rode letters thanking them.

Ms. Foltz introduced herself and spoke about the importance of the board helping the community have greater confidence in the competence and professionalism of the police.

Mr. Denner commented on June complaints and suggested the board would benefit from hearing a presentation on evidence. Mr. Gissiner responded that he had requested additional information on a case involving a suspected drug overdose and said this was his usual practice in inquiry cases. Mr. Denner told about a past practice in which officers poured out beer they found in the vehicles of juveniles and then released them. The school district and Juvenile Justice had worked with the department to change that and create greater awareness for parents and school personnel.

Mr. McIntire appreciated the service of outgoing board members and welcomed the new ones. He inquired about the number of untested rape kits mentioned in the auditor's weekly update and said he was bothered by the number of victims that were not receiving justice. Ms. Pitcher shared his concern and reported she had spoken with Captain Meisel about this issue. One of the problems was

that there was only one facility in Oregon that did the testing and it had a huge backlog. A task force had been formed to help decide priorities for testing and to work toward a solution to the high number of untested kits.

Ms. Marek introduced herself as a UO law student with a strong interest in research on policing. She believed both the police and the community were served through citizen involvement and she wanted to help create constructive relationships.

## **V. TRAINING: DISCUSSION OF RECRUIT, DPSST AND IN-SERVICE TRAINING FOR POLICE OFFICERS**

Lieutenant Reynolds handed out a document titled *EPD Supplemental Training*. He described the recruit training process in Eugene and offered some comparisons with Portland's process. Eugene had about 190 sworn employees and Portland had about 900. Portland had a full-time training staff of 18 while Eugene's Training Section was composed of Training Sergeant Derel Schulz, Academy Coordinator Officer Tony Petermen, and half-time Program Specialist Tammy Breach. Eugene's recruits participated in five phases of training over 18 months, including 10 weeks in the local recruit academy, 3-6 weeks in an ungraded "Zero Phase" with an FTO, 16 weeks in the State Department of Public Safety Standards and Training (DPSST) Basic Police Academy, 20 weeks of Field Training, and then a 26 week solo probationary phase that involved biweekly reviews by the sergeant. Lieutenant Reynolds noted that Portland required 28 hours of Crisis Intervention Training (CIT) while Eugene's CIT course was 40 hours. Until the solo probationary period, recruits were the subject of daily observations and reports.

Eugene officers were required to have nine ten-hour days of annual in-service training, held monthly except in July, August, and December. Firearm qualification was part of in-service and Eugene required twice-annual qualifications while Portland required only the State-mandated one. 81 hours annually, pcs only 43 hours annually. Eugene's annual budget was \$572,000 while Portland's was \$5.7 million. Chief Durr added that about \$40,000 of Eugene's training costs were for ammunition.

Answering questions Lieutenant Reynolds pointed out that Portland had a large facility to maintain and the personnel costs for 18 employees were high. Eugene's in-service training topics were rotated over the years, with some years including more CIT training than others. He shared a typical year's in-service schedule and the hours allocated to each type of training. He also shared the breakdown of hours for DPSST's 640-hour Basic Police Training and the additional training required for Eugene's supervisory personnel. Training on the National Incident Management System (NIMS) that had been set up post-9-11 for managing major events was required and higher-ranked employees received more of this type of training.

About seven recruits were currently in the local academy and were included in the 190 authorized FTE. Between 10 and 12 employees were eligible for retirement and seven of them were expected to leave within the next nine months. The next academy would begin in October.

At this point, Jeremy Cleversey was introduced as staff to the Police Commission.

Answering further questions, Lieutenant Reynolds said that in-service hours had decreased due to budget cuts. Firearm qualification hours used to be outside the nine full days of in-service but now they were included and normally were half-day trainings. The rotating classes included CIT refreshers, discrimination training, profiling, or other hot topics as they arose.

Responding to Mr. Gissiner's question about human interaction topics in the in-service trainings, Lieutenant Reynolds said defensive tactics training was scenario-based and utilized confrontational simulations. Interacting with subjects also was incorporated into other training topics and recruits received many updates on the behaviors caused by drugs. One of the City's attorneys disseminated legal updates or presented on them a couple times each year in the classroom.

Mr. Wig asked about the most significant training improvements Lieutenant Reynolds had seen and the areas most ready for improvement. The Lieutenant responded that the transition into total training was making a difference and such things as receipt of a grant to purchase a firearm shooting simulator had been very beneficial. The focus now was on building trust and teaching a new generation of officers about interacting with people and taking the time necessary to communicate in ways that increased people's comfort with the interaction.

Answering Ms. Foltz's question, Lieutenant Reynolds said more multi-tour combat veterans were joining the police force and training methods were adjusted to help them transition from the way the military approached things like gun fights to the way they should be handled in police work.

Answering Ms. Conover's question, Lieutenant Reynolds said trainers were mostly police personnel and some volunteers participated in the CIT trainings.

Mr. Denner asked about changes after Oregon's training standards were revised. Lieutenant Reynolds said DPSST training had improved with the incorporation of new concepts and better facilities like the role play village for scenario-based training.

Board members thanked Lieutenant Reynolds for his presentation.

## **VI. BREAK**

The CRB took a short break.at 6:20 p.m.

## **VII. CASE REVIEWS: Internally reported allegation that an employee discovered undocumented evidence (drugs) in another employee's bag in the locker room and failed to immediately contact a supervisor. Included in the investigation was the notification processes used by two employees**

Ms. Conover pointed out that the two new board members had not received the case files pending completion of their background checks. Ms. Pitcher noted that use of names was avoided in these meetings as were gender descriptors. She used a PowerPoint to highlight the case under review.

Summary of Facts  
Allegations  
Recommended Adjudication

The investigation had found that the performance and judgement of Officer's A and B had been within policy.

- Issues for CRB Discussion
  - Complaint Intake and Classification
    - Ms. Conover asked for clarification of who decided Officers A and B should be investigated. Mr. Gissiner said the Sergeant brought it to Lieutenant Reynolds

and it was clear that Officer C was to be investigated. Mr. Gissiner agreed with the determination that Officers A and B also should be investigated.

- Saying he understood the allegation related to reporting to one's superior when something inappropriate happened but he questioned whether Officer A had handled correctly the evidence found in Officer C's locker and whether this had compromised the evidence. He suggested Officer A should have bagged the evidence instead of returning it to Officer C's locker. Mr. Gissiner said Officer C had been charged with mishandling of evidence. Sergeant Dawson commented Officers A and B wanted Officer C to deal with the situation.
  - Mr. Wig pointed out it was important to note in addition to being evidence, the issue was about drugs and the delay in reporting to the supervisor could have resulted in something dangerous happening with those drugs. He said it was obvious the officers did not do the right thing but policy did not specifically state they had done the wrong thing.
  - Mr. Gissiner believed greater precision in handling evidence was called for and he considered it unacceptable for evidence to sit in someone's bag over the weekend or be taken home and not processed until the next week. To him not having an ethical conduct policy created a problem and it should be clear that finding meth someplace other than in an evidence bag required one to bring it to a supervisor's attention immediately.
  - Mr. Wig ascertained from Sergeant Dawson that the source of the meth was not known and he questioned how a private citizen in the same situation would be treated differently than the involved officers. While what happened did not violate the rules as written, he believed the rules needed to change to make it clear what needed to be done in a situation like this one.
- Complaint Investigation and Monitoring
    - Ms. Pitcher commented on how perceptions differed. To the community, meth in an officer's locker may be a sign the officer was using meth.
  - Relevant Department Policies and Practices
    - Ms. Conover summarized that evidence was improperly handled and compromised if it was kept any place except in the evidence locker and that was where unsatisfactory performance had occurred. Because this evidence involved an illegal substance the way it was handled was of greater concern. She questioned officers being trained to work out problems with each other if it resulted in failure to report something that should go to a supervisor.
    - Mr. Gissiner observed that this had been Sergeant Dawson's first Internal Affairs investigation and he had some concerns about the union engaging in the interview process.
    - Mr. McIntire's first concern was about chain of custody and whether policies relating to receipt of evidence and using an evidence bag had been observed. He questioned Officer B going to the source instead of to the supervisor. Sgt. Dawson said going to the source was appropriate in situations involving personnel conflict but he believed Officer B had been inappropriately coached by the Union rep to say doing that in this situation was part of his training. When he (Dawson) had received the evidence, he had bagged it, filled out a property sheet, secured it and lodged it with the Evidence Control Unit.
  - Policy and/or Training Considerations
    - Mr. Gissiner said Officer A believed the drugs were evidence from a case but he

would not have assumed that and would have called the supervisor. He said the officer could not violate a policy that did not exist.

- Sgt. Dawson said Officer C was an active street level officer and should have known what to do with evidence but he understood how someone dealing with similar situations several times during a shift could forget to handle a piece of evidence correctly.
- Ms. Conover commented that Officer C needed more oversight by an FTO. She added the department needed to establish/require a consistent system for handling evidence.
- Mr. Gissiner observed there now was another case involving mishandled evidence and he wondered how many there would be before a policy was created that would resolve the problem.
- Chief Durr said that while these types of evidence issues occurred with some frequency on the national level, they still needed to be taken seriously.
- Ms. Marek called for a policy that would provide officers with a clear process for handling evidence and for acting if they observed another officer doing something that might violate policy.
- Mr. Denner believed the sergeant had behaved appropriately but if he was a supervisor he would want his officers to make good stops, collect evidence correctly, and succeed in court but when the chain of evidence was broken it destroyed the credibility of officers and their cases.
- Ms. Pitcher asked if the board was suggesting a policy was needed for what employees should do if they saw something or suspected other employees of misconduct. Lieutenant Reynolds said 1020 delineated how to report things and he would get back to the board with more information on that.
- Mr. McIntire said one part of the case involved the lack of a policy on what to do upon finding meth outside an evidence back and the other was the reporting piece and who needed to be told and when.

○ Adjudication Recommendations

Board members concurred that given the existing policies, it was not appropriate to say the officers were exonerated and the only choice was to say they acted within policy.

- Additional Comments/Concerns
  - There was general agreement that timely reporting and not relying on someone else to report were issues that needed to be addressed; there needed to be minimal standards for reporting conduct to a supervisor.
  - Possession of meth was a felony;
  - Mr. Wig had very strong feelings on this case, likely due to his work experience with drug addicts and while he recognized that an officer could get sloppy in handling small amounts of evidence from multiple contacts, he pointed out that someone other than a police officer would have been held to a different standard. He believed Officers A and B should have contacted the supervisor immediately and let that person handle the situation. He also saw it being incumbent on the department to determine that Officer C was not using drugs and legitimately possessed the meth.
  - Mr. Denner commented that a union representative played a principal role in a disciplinary situation and coaching was inevitable prior to an interview. He also observed that the allegation that employees knew about a situation and failed to report it recalled the worst aspects of the Magana case some years previously.
  - Mr. Gissiner reiterated the importance of precision in handling evidence.

## VIII. AUDITOR REPORT

Mr. Gissiner appreciated the many contributions of Mr. Rode and Ms. Velure.

Mr. Gissiner hoped to create a subcommittee to focus on community outreach and asked Ms. Foltz and Mr. Wig to participate in reaching more groups in the community.

Regarding the Babb shooting, the Auditor reported District Attorney Gardner had determined several weeks previously that the officer had not committed a crime so this was not a criminal investigation. After the file was returned to lead investigator Sergeant Dawson he had interviewed a key witness as well as departmental decision-makers so the process had taken some time. The Chief also had some issues for the Sergeant to look into that would help reach a decision. Mr. Gissiner encouraged the board to review the case once Sergeant Dawson completed his work on it.

Mr. Gissiner pointed out that a new liaison to the Police Commission was needed since Mr. Rode's term had expired.

**MOTION:** Mr. Wig nominated Mr. McIntire to serve as the CRB's liaison to the Police Commission and Mr. Denner seconded the nomination. Board members unanimously supported the nomination.

Mr. Gissiner noted the City Council had to confirm Mr. McIntire's appointment.

## IX. ADJOURN

The board would take a summer recess in August. The next meeting would be in September.

The meeting adjourned at 7:28 p.m.

*(Recorded by Mary Feldman)*